

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MARK B. GALVIN and
JENNY GALVIN

Petitioners

v.

EMC MORTGAGE CORPORATION,
ET AL

Respondents

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: Civil Action No. 1:12-CV-00320-JL
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ASSENTED – TO MOTION TO RESCHEDULE HEARING TO FEBRUARY 21, 2013

Respondents EMC Mortgage Corporation, JPMorgan Chase Bank, N.A., Mortgage Electronic Registration Systems and Bank of New York Mellon, Trustee, by their attorneys, respectfully submit the within Assented – to Motion to Reschedule Hearing to February 21, 2013, and in support thereof, represent as follows:

1. In this matter Petitioners seek a temporary injunction to enjoin a foreclosure sale, as well as declaratory judgment and damages, asserting various claims. Respondents moved to dismiss the Petition on September 28, 2012. Petitioners objected, and oral argument on Respondents' Motion has been scheduled for January 22, 2013 at 3:00 p.m.

2. Undersigned counsel was previously scheduled to participate in a complex multi-party mediation that date, and does not expect the mediation to conclude prior to 3:00 p.m., and thus would be unavailable for the motion hearing in the instant case.

3. Accordingly, Respondents request a brief continuance of the Hearing on the Motion to Dismiss, to February 21, 2013 at 2:00, which counsel believes is an available date on the court calendar for this matter.

4. Paul Alfano, Esq., counsel for Petitioners, assents to this Motion and the relief requested herein.

5. A brief continuance of the Hearing will not result in the continuance of any other deadlines in this case.

6. No memorandum of law is submitted as the matter is within the discretion of the Court.

WHEREFORE, for the reasons set forth above, Respondents EMC, JP Morgan, MERS and BONY respectfully request this Honorable Court;

- A. Grant this Motion;
- B. Reschedule the hearing on Respondents' Motion to Dismiss to February 21, 2013 at 2:00; and
- C. Grant such other relief as may be just and proper.

Respectfully submitted,

EMC MORTGAGE CORPORATION,
JPMORGAN CHASE BANK, N.A.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS and
BANK OF NEW YORK MELLON, Trustee
for the Certificate Holders of Structured
Asset Mortgage Investments II Trust 2005-
AR7, Mortgage Pass-Through Certificates,
Series 2005-AR7,

By their attorneys,

PRETI, FLAHERTY, BELIVEAU &
PACHIOS, PLLP

Dated: January 7, 2013

/s/ Peter G. Callaghan

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CERTIFICATE OF SERVICE

I hereby certify this 7th day of January 2013 copies of the foregoing *Assented – to Motion to Continue Hearing to February 21, 2013* were forwarded to all parties of record electronically via ECF.

/s/ Peter G. Callaghan

Peter G. Callaghan